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97TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
No. 97-693

AUTHORIZING APPROPRIATIONS FOR FISCAL YEARS 1982 AND 1983 FOR THE DEPARTMENT OF STATE, THE UNITED STATES INFORMATION AGENCY, AND THE BOARD FOR INTERNATIONAL BROADCASTING

AUGUST 3, 1982.—Ordered to be printed

Mr. FASCELL, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 1193]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1193) to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

SEC. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 102. There are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and other purposes authorized by law, the following amounts:

(1) For "Administration of Foreign Affairs", $1,245,637,000 for the fiscal year 1982 and $1,248,059,000 for the fiscal year 1983.

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(2) For "International Organizations and Conferences", $503,462,000 for the fiscal year 1982 and $514,436,000 for the fiscal year 1983.

(3) For "International Commissions", $19,808,000 for the fiscal year 1982 and $22,432,000 for the fiscal year 1983.

(4) For "Migration and Refugee Assistance", $504,100,000 for the fiscal year 1982 and $460,000,000 for the fiscal year 1983.

REOPENING CERTAIN UNITED STATES CONSULATES

SEC. 103. (a) Notwithstanding any other provision of law, $400,000 of the funds available for the fiscal year 1982 for "Salaries and Expenses" of the Department of State are hereby reprogrammed for, and shall be used by the Department for, the expenses of operating and maintaining the consulates specified in subsection (c) of this section.

(b) None of the funds made available under this or any other Act for "Administration of Foreign Affairs" may be used for the establishment or operation of any United States consulate that did not exist on the date of enactment of this Act (other than the consulates specified in subsection (c)) until all the United States consulates specified in subsection (c) have been reopened as required by section 108 of the Department of State Authorization Act, Fiscal Years 1980 and 1981.

(c) The consulates referred to in subsections (a) and (b) of this section are the consulates in the following locations: Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia.

RESTRICTIONS RELATING TO PALESTINIAN RIGHTS UNITS AND PROJECTS PROVIDING POLITICAL BENEFITS TO THE PALESTINE LIBERATION ORGANIZATION

SEC. 104. (a) Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (or any similar successor entity); and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity); and

(3) 25 percent of the amount budgeted for that year for projects whose primary purpose is to provide political benefits to the Palestine Liberation Organization or entities associated with it.

(b) Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of any specialized agency of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States

contribution for that year less 25 percent of the amount budgeted by such agency for that year for projects whose primary purpose is to provide political benefits to the Palestine Liberation Organization or entities associated with it.

(c) The President shall annually review the budgets of the United Nations and its specialized agencies to determine which projects have the primary purpose of providing political benefit to the Palestine Liberation Organization. The President shall report to the Congress on any such project for which a portion of the United States assessed contribution is withheld and the amount withheld.

(d) Subsections (a)(3) and (b) shall not be construed as limiting United States contributions to the United Nations, or its specialized agencies, for projects whose primary purpose is to provide humanitarian, educational, developmental, and other nonpolitical benefits to the Palestinian people.

PAYMENT OF ASSESSED CONTRIBUTIONS FOR CERTAIN INTERNATIONAL ORGANIZATIONS

SEC. 105. (a) Funds authorized to be appropriated for the fiscal year 1982 by paragraph (2) of section 102 of this Act shall be used for payment of the entire amount payable for the United States contribution for the calendar year 1982 to the Organization of American States, to the Pan American Health Organization, and to the Inter-American Institute for Cooperation on Agriculture.

(b) Funds authorized to be appropriated for the fiscal year 1983 by paragraph (2) of section 102 of this Act shall be used for payment of the entire amount payable for the United States contribution for the calendar year 1983 to the Organization of American States, to the Pan American Health Organization, and to the Inter-American Institute for Cooperation on Agriculture.

(c) For purposes of this section, the term "United States contribution" means the United States assessed contribution to the budget of the Organization of American States, the Pan American Health Organization, or the Inter-American Institute for Cooperation on Agriculture, as the case may be, plus amounts required to be paid by the United States or minus amounts credited to the United States (as appropriate) under that organization's tax equalization program.

INTERNATIONAL COMMITTEE OF THE RED CROSS

SEC. 106. Of the amounts authorized to be appropriated by paragraph (4) of section 102 of this Act, $1,500,000 shall be available for the fiscal year 1982 and $1,500,000 shall be available for the fiscal year 1983 only for the International Committee of the Red Cross to support the activities of the protection and assistance program for "political" detainees.

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

SEC. 107. Of the amounts authorized to be appropriated by paragraph (4) of section 102 of this Act, $12,500,000 for the fiscal year 1982 and $16,875,000 for the fiscal year 1983 shall be available only for assistance for the resettlement in Israel of refugees from the

Union of Soviet Socialist Republics, from Communist countries in Eastern Europe, and from other countries.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

SEC. 108. (a) The Congress finds that—

(1) a free press is vital to the functioning of free governments;

(2) Article 19 of the Universal Declaration of Human Rights provides for the right to freedom of expression and to "seek, receive and impart information and ideas through any media and regardless of frontiers";

(3) the Constitution of the United Nations Educational, Scientific and Cultural Organization provides for the promotion of "the free flow of ideas by word and image";

(4) the signatories of the Final Act of the Conference on Security and Cooperation in Europe (Helsinki, 1975) pledged themselves "to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries, and to improve the conditions under which journalists from one participating State exercise their profession in another participating State"; and

(5) government censorship, domination, or suppression of a free press is a danger to free men and women everywhere.

(b) Therefore, it is the sense of the Congress that the United Nations Educational, Scientific and Cultural Organization should cease efforts to attempt to regulate news content and to formulate rules and regulations for the operation of the world press.

(c) The Congress opposes efforts by some countries to control access to and dissemination of news.

(d) The President shall evaluate and, not later than six months after the date of enactment of this Act, shall report to the Congress his assessment of—

(1) the extent to which United States financial contributions to the United Nations Educational, Scientific and Cultural Organization, and the extent to which the programs and activities of that Organization, serve the national interests of the United States;

(2) the programs and activities of the United Nations Educational, Scientific and Cultural Organization, especially its programs and activities in the communications sector; and

(3) the quality of United States participation in the United Nations Educational, Scientific and Cultural Organization, including the quality of United States diplomatic efforts with respect to that Organization, the quality of United States representation in the Secretariat of that Organization, and the quality of recruitment of United States citizens to be employed by that Organization.

Such report should include the President's recommendations regarding any improvements which should be made in the quality and substance of United States representation in the United Nations Educational, Scientific and Cultural Organization.

RESTRICTION ON CONTRIBUTIONS TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

SEC. 109. (a) None of the funds authorized to be appropriated by paragraph (2) of section 102 of this Act or by any other Act for "International Organizations and Conferences" may be used for payment by the United States of its contribution toward the assessed budget of the United Nations Educational, Scientific and Cultural Organization if that organization implements any policy or procedure the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or among countries, or to impose mandatory codes of journalistic practice or ethics.

(b) Not later than February 1 of each year, the Secretary of State shall report to the Congress with respect to whether the United Nations Educational, Scientific and Cultural Organization has taken any action described in subsection (a) of this section.

BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

SEC. 110. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State $3,700,000 for the fiscal year 1982 and $3,700,000 for the fiscal year 1983 for payment of the United States share of expenses of the science and technology agreements between the United States and Yugoslavia and between the United States and Poland.

ASIA FOUNDATION

SEC. 111. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State $4,500,000 for the fiscal year 1982 and $4,500,000 for the fiscal year 1983 for the Asia Foundation in furtherance of that organization's purposes as described in its charter. Amounts appropriated under this section shall be made available to the Asia Foundation by the Secretary of State in accordance with the terms and conditions of a grant agreement to be negotiated between the Secretary and the Foundation.

BUYING POWER MAINTENANCE

SEC. 112. (a) Section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)) is amended to read as follows:

"(b)(1) In order to maintain the levels of program activity for the Department of State provided for each fiscal year by the annual authorizing legislation, there are authorized to be appropriated for the Department of State such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the earlier of—

"(A) the calendar year which ended during the fiscal year preceding such fiscal year, or

"(B) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted.

"(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

"(3) In order to eliminate substantial gains to the approved levels of overseas operations for the Department of State, the Secretary of State shall transfer to the Buying Power Maintenance account such amounts in any appropriation account under the heading 'Administration of Foreign Affairs' as the Secretary determines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

"(4) In order to offset adverse fluctuations in foreign currency exchange rates or overseas wage and price changes, the Secretary of State may transfer from the Buying Power Maintenance account to any appropriation account under the heading 'Administration of Foreign Affairs' such amounts as the Secretary determines are necessary to maintain the approved level of operations under that appropriation account.

"(5) Funds transferred by the Secretary of State from the Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Secretary from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

"(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels.".

(b) Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended—

(1) by inserting ", or overseas wage and price changes," immediately after "foreign currency exchange rates"; and

(2) by striking out "preceding fiscal year" and inserting in lieu thereof "earlier of (1) the calendar year which ended during the fiscal year preceding such fiscal year, or (2) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted".

(c) Section 8(a)(2) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2287(a)(2)) is amended—

(1) in the first sentence, by inserting ", or overseas wage and price changes," immediately after "foreign currency exchange rates";

(2) in the first sentence, by striking out "preceding fiscal year" and inserting in lieu thereof "earlier of (A) the calendar year which ended during the fiscal year preceding such fiscal year, or (B) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted"; and

(3) in the second sentence, by inserting "or such changes" immediately after "such fluctuations".

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

SEC. 113. Paragraph (1) of the first section of the joint resolution entitled "Joint Resolution to provide for membership of the United States in the Pan American Institute of Geography and History; and to authorize the President to extend an invitation for the next general assembly of the institute to meet in the United States in 1935, and to provide an appropriation for expenses thereof", approved August 2, 1935 (22 U.S.C. 273), is amended by striking out ", not to exceed $200,000 annually,".

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AND THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

SEC. 114. Section 2 of the joint resolution entitled "Joint Resolution to provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor", approved December 30, 1963 (22 U.S.C. 269g–1), is amended by striking out ", except that" and all that follows through "that year".

PAN AMERICAN RAILWAY CONGRESS

SEC. 115. Section 2(a) of the joint resolution entitled "Joint Resolution providing for participation by the Government of the United States in the Pan American Railway Congress, and authorizing an appropriation therefor", approved June 28, 1948 (22 U.S.C. 280k), is amended by striking out "Not more than $15,000 annually" and inserting in lieu thereof "Such sums as may be necessary".

PASSPORT FEES AND PERIOD OF VALIDITY

SEC. 116. (a) The first sentence of section 1 under the heading "FEES FOR PASSPORTS AND VISÉS" of the Act of June 4, 1920 (22 U.S.C. 214), is amended to read as follows: "There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for each passport issued and a fee, prescribed by the Secretary of State by regulation, for executing each application for a passport.".

(b)(1) Section 2 of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 217a), is amended to read as follows:

"SEC. 2. A passport shall be valid for a period of ten years from the date of issue, except that the Secretary of State may limit the validity of a passport to a period of less than ten years in an individual case or on a general basis pursuant to regulation.".

(2) The amendment made by this subsection applies with respect to passports issued after the date of enactment of this Act.

DOCUMENTATION OF CITIZENSHIP

SEC. 117. The State Department Basic Authorities Act of 1956 is amended by inserting the following new section 33 immediately after section 32 and by redesignating existing section 33 as section 34:

"SEC. 33. The following documents shall have the same force and effect as proof of United States citizenship as certificates of naturalization or of citizenship issued by the Attorney General or by a court having naturalization jurisdiction:

"(1) A passport, during its period of validity (if such period is the maximum period authorized by law), issued by the Secretary of State to a citizen of the United States.

"(2) The report, designated as a 'Report of Birth Abroad of a Citizen of the United States', issued by a consular officer to document a citizen born abroad.".

UNITED STATES REPRESENTATIVE TO INTERNATIONAL ORGANIZATIONS IN VIENNA

SEC. 118. Section 2 of the United Nations Participation Act of 1945 (22 U.S.C. 287) is amended by adding at the end thereof the following new subsection:

"(h) The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the Vienna office of the United Nations with appropriate rank and status, who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such individual shall, at the direction of the Secretary of State, represent the United States at the Vienna office of the United Nations and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State from time to time may direct.".

LIVING QUARTERS FOR THE STAFF OF THE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS

SEC. 119. Section 8 of the United Nations Participation Act of 1945 (22 U.S.C. 287e) is amended—

(1) by striking out "representative of the United States to the United Nations referred to in paragraph (a) of section 2 hereof" and inserting in lieu thereof "representatives provided for in section 2 of this Act and of their appropriate staffs"; and

(2) by adding at the end thereof the following: "Any payments made by United States Government personnel for occupancy by them of living quarters leased or rented under this section shall be credited to the appropriation, fund, or account utilized by the Secretary of State for such lease or rental or to the appropriation, fund, or account currently available for such purpose.".

PRIVATE SECTOR REPRESENTATIVES ON UNITED STATES DELEGATIONS TO INTERNATIONAL TELECOMMUNICATIONS MEETINGS AND CONFERENCES

SEC. 120. (a) Sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to a private sector representative on the United States delegation to an international telecommunications meeting or conference who is specifically designated to speak on behalf of or otherwise represent the interests of the United States at such meeting or conference with respect to a particular matter, if the Secretary of State (or the Secretary's designee) certifies that no

Government employee on the delegation is as well qualified to represent United States interests with respect to such matter and that such designation serves the national interest. All such representatives shall have on file with the Department of State the financial disclosure report required for special Government employees.

(b) As used in this section, the term "international telecommunications meeting or conference" means the conferences of the International Telecommunications Union, meetings of its International Consultative Committees for Radio and for Telephone and Telegraph, and such other international telecommunications meetings or conferences as the Secretary of State may designate.

PROCUREMENT CONTRACTS

SEC. 121. The State Department Basic Authorities Act of 1956 is amended by inserting the following new section immediately after section 13:

"SEC. 14. (a) Any contract for the procurement of property or services, or both, for the Department of State or the Foreign Service which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of five years when—

"(1) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

"(2) the Secretary of State determines that—

"(A) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

"(B) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

"(C) such a method of contracting will not inhibit small business participation.

"(b) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.".

COMPENSATION FOR DISABILITY OR DEATH

SEC. 122. The State Department Basic Authorities Act of 1956 is amended by inserting the following new section immediately after section 15:

"SEC. 16. The first section of the Act of August 16, 1941 (42 U.S.C. 1651; commonly known as the 'Defense Base Act') shall not apply with respect to such contracts as the Secretary of State may determine which are contracts with persons employed to perform work for the Department of State or the Foreign Service on an intermittent basis for not more than 90 days in a calendar year.".

DUTIES OF A CHIEF OF MISSION

SEC. 123. Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended by adding at the end thereof the following new subsection:

"(c) Each chief of mission to a foreign country shall have as a principal duty the promotion of United States goods and services for export to such country.".

BASIC SALARY RATES FOR THE SENIOR FOREIGN SERVICE

SEC. 124. Section 402(a) of the Foreign Service Act of 1980 (22 U.S.C. 3962(a)) is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) by inserting immediately after the first sentence the following new sentence: "The President shall also prescribe one or more basic salary rates for each class."; and

(3) by adding at the end thereof the following new paragraph:

"(2) The Secretary shall determine which of the basic salary rates prescribed by the President under paragraph (1) for any salary class shall be paid to each member of the Senior Foreign Service who is appointed to that class. The Secretary may adjust the basic salary rate of a member of the Senior Foreign Service not more than once during any 12-month period.".

AMENDMENTS CORRECTING PRINTING ERRORS

SEC. 125. The Foreign Service Act of 1980 is amended—

(1) in section 704(b)(2) (22 U.S.C. 4024(b)(2)) by striking out "411" and inserting in lieu thereof "412"; and

(2) in section 814(a)(3) (22 U.S.C. 4054(a)(3)) by striking out "on" the second place it appears in the first sentence and inserting in lieu thereof "or".

SCIENTIFIC EXCHANGE ACTIVITIES WITH THE SOVIET UNION

SEC. 126. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report with respect to the individual exchange activities conducted pursuant to the 11 agreements for cooperation in specialized fields which were entered into by the United States and the Union of Soviet Socialist Republics between 1972 and 1974. This report shall include—

(1) an assessment of the risk of the transfer to the Soviet Union of militarily significant technology through research, exchanges, and other activities conducted pursuant to those agreements; and

(2) a detailed description on the exchanges and other activities conducted pursuant to those agreements during fiscal year 1981 and fiscal year 1982, including—

(A) the areas of cooperation,

(B) the specific research and projects involved,

(C) the man-hours spent in short-term (less than sixty days) and long-term exchanges,

(D) the level of United States and Soviet funding in each such fiscal year, and

(E) an assessment of the equality or inequality in value of the information exchanged.

(b) The Secretary of State shall prepare the report required by subsection (a) in consultation and cooperation with the heads of the other agencies involved in the exchange and other cooperative activities conducted pursuant to the agreements described in that subsection.

(c) Not later than July 1 of each year, the Secretary of the State shall submit to the Congress a list of the Soviet nationals participating during the upcoming academic year in the United States-Union of Soviet Socialist Republics graduate student/young faculty exchange or in the United States-Union of Soviet Socialist Republics senior scholar exchange, their topics of study, and where they are to study. This report shall also include a determination by the Secretary of State, in consultation with the heads of the other agencies involved in these exchange programs, that these exchange programs will not jeopardize United States national security interests.

TITLE II—FOREIGN MISSIONS

SHORT TITLE

SEC. 201. This title may be cited as the "Foreign Missions Act".

REGULATION OF FOREIGN MISSIONS

SEC. 202. (a) The State Department Basic Authorities Act of 1956 is amended by striking out "That the Secretary" in the first section and inserting in lieu thereof the following:

"TITLE I—BASIC AUTHORITIES GENERALLY

"SECTION 1. The Secretary".

(b) That Act is further amended by adding at the end thereof the following:

"TITLE II—AUTHORITIES RELATING TO THE REGULATION OF FOREIGN MISSIONS

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds that the operation in the United States of foreign missions and public international organizations and the official missions to such organizations, including the permissible scope of their activities and the location and size of their facilities, is a proper subject for the exercise of Federal jurisdiction.

"(b) The Congress declares that it is the policy of the United States to support the secure and efficient operation of United States missions abroad, to facilitate the secure and efficient operation in the United States of foreign missions and public international organizations and the official missions to such organizations, and to assist in obtaining appropriate benefits, privileges, and immunities for those missions and organizations and to require their observance of corresponding obligations in accordance with international law.

"(c) The treatment to be accorded to a foreign mission in the United States shall be determined by the Secretary after due consid-

eration of the benefits, privileges, and immunities provided to missions of the United States in the country or territory represented by that foreign mission.

"DEFINITIONS

"SEC. 202. (a) For purposes of this title—

"(1) 'benefit' (with respect to a foreign mission) means any acquisition, or authorization for an acquisition, in the United States by or for a foreign mission, including the acquisition of—

"(A) real property by purchase, lease, exchange, construction, or otherwise,

"(B) public services, including services relating to customs, importation, and utilities, and the processing of applications or requests relating to public services,

"(C) supplies, maintenance, and transportation,

"(D) locally engaged staff on a temporary or regular basis,

"(E) travel and related services, and

"(F) protective services,

and includes such other benefits as the Secretary may designate;

"(2) 'chancery' means the principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), and includes the site and any building on such site which is used for such purposes;

"(3) 'Director' means the Director of the Office of Foreign Missions established pursuant to section 203(a);

"(4) 'foreign mission' means any official mission to the United States involving diplomatic, consular, or other governmental activities of—

"(A) a foreign government, or

"(B) an organization (other than an international organization, as defined in section 209(b) of this title) representing a territory or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States,

including any real property of such a mission and including the personnel of such a mission;

"(5) 'real property' includes any right, title, or interest in or to, or the beneficial use of, any real property in the United States, including any office or other building;

"(6) 'Secretary' means the Secretary of State;

"(7) 'sending State' means the foreign government, territory, or political entity represented by a foreign mission; and

"(8) 'United States' means, when used in a geographic sense, the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

"(b) Determinations with respect to the meaning and applicability of the terms used in subsection (a) shall be committed to the discretion of the Secretary.

"OFFICE OF FOREIGN MISSIONS

"SEC. 203. (a) The Secretary shall establish an Office of Foreign Missions as an office within the Department of State. The Office shall be headed by a Director, appointed by the Secretary, who shall perform his or her functions under the supervision and direction of the Secretary. The Secretary may delegate this authority for supervision and direction of the Director only to the Deputy Secretary of State or an Under Secretary of State.

"(b) The Secretary may authorize the Director to—

"(1) assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled;

"(2) provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 204; and

"(3) perform such other functions as the Secretary may determine necessary in furtherance of the policy of this title.

"PROVISION OF BENEFITS

"SEC. 204. (a) Upon the request of a foreign mission, benefits may be provided to or for that foreign mission by or through the Director on such terms and conditions as the Secretary may approve.

"(b) If the Secretary determines that such action is reasonably necessary on the basis of reciprocity or otherwise—

"(1) to facilitate relations between the United States and a sending State,

"(2) to protect the interests of the United States,

"(3) to adjust for costs and procedures of obtaining benefits for missions of the United States abroad, or

"(4) to assist in resolving a dispute affecting United States interests and involving a foreign mission or sending State,

then the Secretary may require a foreign mission (A) to obtain benefits from or through the Director on such terms and conditions as the Secretary may approve, or (B) to comply with such terms and conditions as the Secretary may determine as a condition to the execution or performance in the United States of any contract or other agreement, the acquisition, retention, or use of any real property, or the application for or acceptance of any benefit (including any benefit from or authorized by any Federal, State, or municipal governmental authority, or any entity providing public services).

"(c) Terms and conditions established by the Secretary under this section may include—

"(1) a requirement to pay to the Director a surcharge or fee, and

"(2) a waiver by a foreign mission (or any assignee of or person deriving rights from a foreign mission) of any recourse against any governmental authority, any entity providing public services, any employee or agent of such an authority or entity, or any other person, in connection with any action determined by the Secretary to be undertaken in furtherance of this title.

"(d) For purposes of effectuating a waiver of recourse which is required under this section, the Secretary may designate the Director or any other officer of the Department of State as the agent of a for-

eign mission (or of any assignee of or person deriving rights from a foreign mission). Any such waiver by an officer so designated shall for all purposes (including any court or administrative proceeding) be deemed to be a waiver by the foreign mission (or the assignee of or other person deriving rights from a foreign mission).

"(e) Nothing in this section shall be deemed to preclude or limit in any way the authority of the United States Secret Service to provide protective services pursuant to section 202 of title 3, United States Code, or section 3056 of title 18, United States Code, at a level commensurate with protective requirements as determined by the United States Secret Service.

"PROPERTY OF FOREIGN MISSIONS

"SEC. 205. (a)(1) The Secretary may require any foreign mission to notify the Director prior to any proposed acquisition, or any proposed sale or other disposition, of any real property by or on behalf of such mission. If such a notification is required, the foreign mission (or other party acting on behalf of the foreign mission) may initiate or execute any contract, proceeding, application, or other action required for the proposed action—

"(A) only after the expiration of the sixty-day period beginning on the date of such notification (or after the expiration of such shorter period as the Secretary may specify in a given case); and

"(B) only if the mission is not notified by the Secretary within that period that the proposal has been disapproved; however, the Secretary may include in such a notification such terms and conditions as the Secretary may determine appropriate in order to remove the disapproval.

"(2) For purposes of this section, 'acquisition' includes any acquisition or alteration of, or addition to, any real property or any change in the purpose for which real property is used by a foreign mission.

"(b) The Secretary may require any foreign mission to divest itself of, or forego the use of, any real property determined by the Secretary—

"(1) not to have been acquired in accordance with this section; or

"(2) to exceed limitations placed on real property available to a United States mission in the sending State.

"(c) If a foreign mission has ceased conducting diplomatic, consular, and other governmental activities in the United States and has not designated a protecting power or other agent approved by the Secretary to be responsible for the property of that foreign mission, the Secretary—

"(1) until the designation of a protecting power or other agent approved by the Secretary, may protect and preserve any property of that foreign mission; and

"(2) may authorize the Director to dispose of such property at such time as the Secretary may determine after the expiration of the one-year period beginning on the date that the foreign mission ceased those activities, and may remit to the sending State the net proceeds from such disposition.

"LOCATION OF FOREIGN MISSIONS IN THE DISTRICT OF COLUMBIA

"SEC. 206. (a) The location, replacement, or expansion of chanceries in the District of Columbia shall be subject to this section.

"(b)(1) A chancery shall be permitted to locate as a matter of right in any area which is zoned commercial, industrial, waterfront, or mixed-use (CR).

"(2) A chancery shall also be permitted to locate—

"(A) in any area which is zoned medium-high or high density residential, and

"(B) in any other area, determined on the basis of existing uses, which includes office or institutional uses, including but not limited to any area zoned mixed-use diplomatic or special purpose,

subject to disapproval by the District of Columbia Board of Zoning Adjustment in accordance with this section.

"(3) In each of the areas described in paragraphs (1) and (2), the limitations and conditions applicable to chanceries shall not exceed those applicable to other office or institutional uses in that area.

"(c)(1) If a foreign mission wishes to locate a chancery in an area described in subsection (b)(2), or wishes to appeal an administrative decision relating to a chancery based in whole or in part upon any zoning map or regulation, it shall file an application with the Board of Zoning Adjustment which shall publish notice of that application in the District of Columbia Register.

"(2) Regulations issued to carry out this section shall provide appropriate opportunities for participation by the public in proceedings concerning the location, replacement, or expansion of chanceries.

"(3) A final determination concerning the location, replacement, or expansion of a chancery shall be made not later than six months after the date of the filing of an application with respect to such location, replacement, or expansion. Such determination shall not be subject to the administrative proceedings of any other agency or official except as provided in this title.

"(d) Any determination concerning the location of a chancery under subsection (b)(2), or concerning an appeal of an administrative decision with respect to a chancery based in whole or in part upon any zoning regulation or map, shall be based solely on the following criteria:

"(1) The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.

"(2) Historic preservation, as determined by the Board of Zoning Adjustment in carrying out this section; and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and Federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.

"(3) The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary, after consul-

tation with Federal agencies authorized to perform protective services.

"(4) The extent to which the area is capable of being adequately protected, as determined by the Secretary, after consultation with Federal agencies authorized to perform protective services.

"(5) The municipal interest, as determined by the Mayor of the District of Columbia.

"(6) The Federal interest, as determined by the Secretary.

"(e)(1) Regulations, proceedings, and other actions of the National Capital Planning Commission, the Zoning Commission for the District of Columbia, and the Board of Zoning Adjustment affecting the location, replacement, or expansion of chanceries shall be consistent with this section (including the criteria set out in subsection (d)) and shall reflect the policy of this title.

"(2) Proposed actions of the Zoning Commission concerning implementation of this section shall be referred to the National Capital Planning Commission for review and comment.

"(f) Regulations issued to carry out this section shall provide for proceedings of a rule-making and not of an adjudicatory nature.

"(g) The Secretary shall require foreign missions to comply substantially with District of Columbia building and related codes in a manner determined by the Secretary to be not inconsistent with the international obligations of the United States.

"(h) Approval by the Board of Zoning Adjustment or the Zoning Commission or, except as provided in section 205, by any other agency or official is not required—

"(1) for the location, replacement, or expansion of a chancery to the extent that authority to proceed, or rights or interests, with respect to such location, replacement, or expansion were granted to or otherwise acquired by the foreign mission before the effective date of this section; or

"(2) for continuing use of a chancery by a foreign mission to the extent that the chancery was being used by a foreign mission on the effective date of this section.

"(i)(1) The President may designate the Secretary of Defense, the Secretary of the Interior, or the Administrator of General Services (or such alternate as such official may from time to time designate) to serve as a member of the Zoning Commission in lieu of the Director of the National Park Service whenever the President determines that the Zoning Commission is performing functions concerning the implementation of this section.

"(2) Whenever the Board of Zoning Adjustment is performing functions regarding an application by a foreign mission with respect to the location, expansion, or replacement of a chancery—

"(A) the representative from the Zoning Commission shall be the Director of the National Park Service or if another person has been designated under paragraph (1) of this subsection, the person so designated; and

"(B) the representative from the National Capital Planning Commission shall be the Executive Director of that Commission.

"(j) Provisions of law (other than this title) applicable with respect to the location, replacement, or expansion of real property in

the District of Columbia shall apply with respect to chanceries only to the extent that they are consistent with this section.

"PREEMPTION

"SEC. 207. Notwithstanding any other law, no act of any Federal agency shall be effective to confer or deny any benefit with respect to any foreign mission contrary to this title. Nothing in section 202, 203, 204, or 205 may be construed to preempt any State or municipal law or governmental authority regarding zoning, land use, health, safety, or welfare, except that a denial by the Secretary involving a benefit for a foreign mission within the jurisdiction of a particular State or local government shall be controlling.

"GENERAL PROVISIONS

"SEC. 208. (a) The Secretary may issue such regulations as the Secretary may determine necessary to carry out the policy of this title.

"(b) Compliance with any regulation, instruction, or direction issued by the Secretary under this title shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court or administrative proceeding for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this title, or any regulation, instruction, or direction issued by the Secretary under this title.

"(c) For purposes of administering this title—

"(1) the Secretary may accept details and assignments of employees of Federal agencies to the Office of Foreign Missions on a reimbursable or nonreimbursable basis (with any such reimbursements to be credited to the appropriations made available for the salaries and expenses of officers and employees of the employing agency); and

"(2) the Secretary may, to the extent necessary to obtain services without delay, exercise his authority to employ experts and consultants under section 3109 of title 5, United States Code, without requiring compliance with such otherwise applicable requirements for that employment as the Secretary may determine, except that such employment shall be terminated after 60 days if by that time those requirements are not complied with.

"(d) Contracts and subcontracts for supplies or services, including personal services, made by or on behalf of the Director shall be made after advertising, in such manner and at such times as the Secretary shall determine to be adequate to ensure notice and opportunity for competition, except that advertisement shall not be required when (1) the Secretary determines that it is impracticable or will not permit timely performance to obtain bids by advertising, or (2) the aggregate amount involved in a purchase of supplies or procurement of services does not exceed $10,000. Such contracts and subcontracts may be entered into without regard to laws and regulations otherwise applicable to solicitation, negotiation, administration, and performance of government contracts. In awarding contracts, the Secretary may consider such factors as relative quality

and availability of supplies or services and the compatibility of the supplies or services with implementation of this title.

"(e) The head of any Federal agency may, for purposes of this title—

"(1) transfer or loan any property to, and perform administrative and technical support functions and services for the operations of, the Office of Foreign Missions (with reimbursements to agencies under this paragraph to be credited to the current applicable appropriation of the agency concerned); and

"(2) acquire and accept services from the Office of Foreign Missions, including (whenever the Secretary determines it to be in furtherance of the purposes of this title) acquisitions without regard to laws normally applicable to the acquisition of services by such agency.

"(f) Assets of or under the control of the Office of Foreign Missions, wherever situated, which are used by or held for the use of a foreign mission shall not be subject to attachment, execution, injunction, or similar process, whether intermediate or final.

"(g) Except as otherwise provided, any determination required under this title shall be committed to the discretion of the Secretary.

"(h)(1) In order to implement this title, the Secretary may transfer to the working capital fund established by section 13 of this Act such amounts available to the Department of State as may be necessary.

"(2) All revenues, including proceeds from gifts and donations, received by the Director or the Secretary in carrying out this title may be credited to the working capital fund established by section 13 of this Act and shall be available for purposes of this title in accordance with that section.

"(3) Only amounts transferred or credited to the working capital fund established by section 13 of this Act may be used in carrying out the functions of the Secretary or the Director under this title.

"APPLICATION TO PUBLIC INTERNATIONAL ORGANIZATIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZATIONS

"SEC. 209. (a) The Secretary may make section 206, or any other provision of this title, applicable with respect to an international organization to the same extent that it is applicable with respect to a foreign mission if the Secretary determines that such application is necessary to carry out the policy set forth in section 201(b) and to further the objectives set forth in section 204(b).

"(b) For purposes of this section, 'international organization' means—

"(1) a public international organization designated as such pursuant to the International Organizations Immunities Act (22 U.S.C. 288—288f-2) or a public international organization created pursuant to a treaty or other international agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs; and

"(2) an official mission (other than a United States mission) to such a public international organization,

including any real property of such an organization or mission and including the personnel of such an organization or mission.

"PRIVILEGES AND IMMUNITIES

"SEC. 210. Nothing in this title shall be construed to limit the authority of the United States to carry out its international obligations, or to supersede or limit immunities otherwise available by law. No act or omission by any foreign mission, public international organization, or official mission to such an organization, in compliance with this title shall be deemed to be an implied waiver of any immunity otherwise provided for by law.

"ENFORCEMENT

"SEC. 211. (a) It shall be unlawful for any person to make available any benefits to a foreign mission contrary to this title. The United States, acting on its own behalf or on behalf of a foreign mission, has standing to bring or intervene in an action to obtain compliance with this title, including any action for injunctive or other equitable relief.

"(b) Upon the request of any Federal agency, any State or local government agency, or any business or other person that proposes to enter into a contract or other transaction with a foreign mission, the Secretary shall advise whether the proposed transaction is prohibited by any regulation or determination of the Secretary under this title.

"PRESIDENTIAL GUIDELINES

"SEC. 212. The authorities granted to the Secretary pursuant to the provisions of this title shall be exercised in accordance with procedures and guidelines approved by the President.

"SEVERABILITY

"SEC. 213. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to any other person or circumstance shall not be affected thereby.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 203. (a) Section 13 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2684) is amended in the first sentence by striking out "and" following the semicolon at the end of clause (3), and by inserting immediately before the period at the end of the sentence the following: "; and (5) services and supplies to carry out title II of this Act".

(b)(1) Subparagraph (A) of section 2(1) of the Diplomatic Relations Act (22 U.S.C. 254a(1)(A)) is amended to read as follows:

> *"(A) the head of a mission and those members of a mission who are members of the diplomatic staff or who, pursuant to law, are granted equivalent privileges and immunities,".*

(2) Section 3(b) of such Act (22 U.S.C. 254b) is amended to read as follows:

"(b) With respect to a nonparty to the Vienna Convention, the mission, the members of the mission, their families, and diplomatic couriers shall enjoy the privileges and immunities specified in the Vienna Convention.".

(3) Section 4 of such Act (22 U.S.C. 254c) is amended—

(A) by inserting "the mission, the" immediately after "immunities for"; and

(B) by striking out "of any sending state".

(4) Section 1364 of title 28, United States Code, is amended by striking out "as defined in the Vienna Convention on Diplomatic Relations" and inserting in lieu thereof "within the meaning of section 2(3) of the Diplomatic Relations Act (22 U.S.C. 254a(3))".

(c) Section 6 of the Act of June 20, 1938 (D.C. Code, 1981 ed., sec. 5-418) is amended by striking out "(a)", and by striking out subsections (b), (c), (d), and (e).

EFFECTIVE DATE

SEC. 204. The amendments made by this title shall take effect on October 1, 1982.

TITLE III—UNITED STATES INFORMATION AGENCY

SHORT TITLE

SEC. 301. This title may be cited as the "United States Information Agency Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 302. There are authorized to be appropriated for the United States Information Agency, as so redesignated by section 303 of this Act, $494,034,000 for the fiscal year 1982 and $559,000,000 for the fiscal year 1983 to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

REDESIGNATION OF THE INTERNATIONAL COMMUNICATION AGENCY AS THE UNITED STATES INFORMATION AGENCY

SEC. 303. (a) The International Communication Agency, established by Reorganization Plan Numbered 2 of 1977, is hereby redesignated the United States Information Agency. The Director of the International Communication Agency or any other official of the International Communication Agency is hereby redesignated the Director or other official, as appropriate, of the United States Information Agency.

(b) Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the International Communication Agency or the Director or other official of the International Communication Agency shall be deemed to refer respectively to the United States Information Agency or the Director or other official of the United States Information Agency, as so redesignated by subsection (a).

CHANGES IN ADMINISTRATIVE AUTHORITIES

SEC. 304. (a)(1) Title III of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1451–1453) is amended—

(A) in section 301 by striking out "citizen of the United States" and inserting in lieu thereof "person"; and

(B) in sections 302 and 303 by striking out "citizen of the United States" and inserting in lieu thereof "person in the employ or service of the Government of the United States".

(2) Such title is further amended—

(A) in section 301—

(i) by striking out "Secretary" the first place it appears and inserting in lieu thereof "Director of the United States Information Agency", and

(ii) by striking out "Secretary" the second place it appears and inserting in lieu thereof "Director"; and

(B) in section 303 by striking out "Secretary" and inserting in lieu thereof "Director of the United States Information Agency".

(3) Section 302 of such Act is amended—

(A) in the second sentence by striking out "section 901(3) of the Foreign Service Act of 1946 (60 Stat. 999)" and inserting in lieu thereof "section 905 of the Foreign Service Act of 1980"; and

(B) in the last sentence by striking out "section 1765 of the Revised Statutes" and inserting in lieu thereof "section 5536 of title 5, United States Code".

(b) Section 802 of such Act (22 U.S.C. 1472) is amended—

(1) by inserting "(a)" immediately after "Sec. 802."; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of five years when—

"(A) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

"(B) the Director of the United States Information Agency determines that—

"(i) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

"(ii) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

"(iii) such method of contracting will not inhibit small business participation.

"(2) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition

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of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

"(3) This subsection applies to contracts for the procurement of property or services, or both, for the operation, maintenance, and support of programs, facilities, and installations for or related to telecommunication activities, newswire services, and the distribution of books and other publications in foreign countries.".

(c) Paragraph (16) of section 804 of such Act (22 U.S.C. 1474(16)) is amended by inserting "and security" immediately after "right-hand drive".

(d) Section 804 of such Act (22 U.S.C. 1474) is amended—

(1) by striking out "and" at the end of paragraph (18);

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; and"; and

(3) by adding at the end of the section the following new paragraph:

"(20) subject to the availability of appropriated funds, purchase motion picture, radio and television producers' liability insurance to cover errors and omissions or similar insurance coverage for the protection of interests in intellectual property.".

(e) Title VIII of such Act (22 U.S.C. 1471–1475b) is amended by adding at the end thereof the following new sections:

"ACTING ASSOCIATE DIRECTORS

"SEC. 808. If an Associate Director of the United States Information Agency dies, resigns, or is sick or absent, the Associate Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

"COMPENSATION FOR DISABILITY OR DEATH

"SEC. 809. A cultural exchange, international fair or exposition, or other exhibit or demonstration of United States economic accomplishments and cultural attainments, provided for under this Act or the Mutual Educational and Cultural Exchange Act of 1961 shall not be considered a 'public work' as that term is defined in the first section of the Act of August 16, 1941 (42 U.S.C. 1651; commonly known as the 'Defense Base Act').

"USE OF ENGLISH-TEACHING PROGRAM FEES

"SEC. 810. (a) Notwithstanding section 3617 of the Revised Statutes of the United States (31 U.S.C. 484) or any other law or limitation of authority, tuition fees or other payments received by or for the use of the International Communication Agency from or in connection with English-teaching programs conducted by or on behalf of the Agency under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applicable appropriation to such extent as may be provided in advance in an appropriation Act.

"(b) This section shall take effect on October 1, 1982.".

(f) Section 1011(h) of such Act (22 U.S.C. 1442(h)) is amended by adding at the end thereof the following new paragraph:

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"(4) Section 701(a) of this Act shall not apply with respect to any amounts appropriated under this section for the purpose of liquidating the notes (and any accrued interest thereon) which were assumed in the operation of the informational media guaranty program under this section and which were outstanding on the date of enactment of this paragraph.".

INTERNATIONAL EXCHANGES AND NATIONAL SECURITY

SEC. 305. (a) The Congress finds that—

(1) United States Government sponsorship of international exchange-of-persons activities has, during the postwar era, contributed significantly to United States national security interests;

(2) during the 1970's, while United States programs declined dramatically, Soviet exchange-of-persons activities increased steadily in pace with the Soviet military buildup;

(3) as a consequence of these two trends, Soviet exchange-of-persons programs now far exceed those sponsored by the United States Government and thereby provide the Soviet Union an important means of extending its worldwide influence;

(4) the importance of competing effectively in this area is reflected in the efforts of major United States allies, whose programs also represent far greater emphasis on exchange-of-persons activities than is demonstrated by the current United States effort; and

(5) with the availability of increased resources, the United States exchange-of-persons program could be greatly strengthened, both qualitatively and quantitatively.

(b) It is therefore the sense of the Congress that—

(1) United States exchange-of-persons activities should be strengthened;

(2) the allocation of resources necessary to accomplish this improvement would constitute a highly cost-effective means of enhancing the United States national security; and

(3) because of the integral and continuing national security role of exchange-of-persons programs, such activities should be accorded a dependable source of long-term funding.

(c) The amount obligated by the United States Information Agency each fiscal year for grants for exchange-of-persons activities shall be increased, through regular annual increases, so that by the fiscal year 1986 the amount obligated for such grants is at least double (in terms of constant dollars) the amount obligated for such grants for the fiscal year 1982.

(d)(1) In furtherance of the purposes of subsection (c), the Congress directs that of the amount appropriated for the United States Information Agency for the fiscal year 1983—

(A) $84,256,000 shall be available only for grants for the Fulbright Academic Exchange Programs and the International Visitor Program; and

(B) $3,248,000 shall be available only for grants for the Humphrey Fellowship Program; and

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(C) $8,906,000 shall be available only for grants to private, not-for-profit organizations engaging in exchange-of-persons programs;

subject to paragraphs (2) and (3) of this subsection.

(2) If the amount appropriated for the United States Information Agency for the fiscal year 1983 is less than the amount authorized for the fiscal year 1983, then the amounts specified in subparagraphs (A) through (C) of paragraph (1) shall each be deemed to be reduced to the amount which bears the same ratio to the specified amount as the amount appropriated bears to the amount authorized. For purposes of this paragraph—

(A) the term "amount appropriated" means the amount appropriated under section 302 of this Act (less any rescissions), and does not include amounts appropriated under section 704 of the United States Information and Educational Exchange Act of 1948 (relating to nondiscretionary personnel costs and currency fluctuations) or under any other provision of law; and

(B) the term "amount authorized" means the amount authorized to be appropriated by section 302 of this Act, less an amount equal to any amount which was withheld from appropriation (or was rescinded) in order to reduce the amount available for a particular program or activity.

(3) The Director of the United States Information Agency may authorize up to 5 percent of the amount earmarked under subparagraph (A), (B), or (C) of paragraph (1) to be used for a purpose other than the exchange-of-persons activities specified in that subparagraph. Not less than 15 days prior to any such authorization, the Director shall submit to the Committee on Foreign Affairs of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a justification for authorizing the use of earmarked funds for a purpose other than the specified exchange-of-persons activities.

DISTRIBUTION WITHIN THE UNITED STATES OF CERTAIN UNITED STATES INFORMATION AGENCY FILMS

SEC. 306. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Administrator of General Services a master copy of each of the films listed in subsection (b) of this section; and

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

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(b) The films to be made available pursuant to this section are the following: "Reflections: Samuel Eliott Morison"; "And Now Miguel"; and "In Their Own Words".

TITLE IV—BOARD FOR INTERNATIONAL BROADCASTING

SHORT TITLE

SEC. 401. This title may be cited as the "Board for International Broadcasting Authorization Act, fiscal years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 402. Subparagraph (A) of section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)(A)) is amended to read as follows:

"(A) $86,519,000 for the fiscal year 1982 and $98,317,000 for the fiscal year 1983; and".

MEMBERSHIP OF THE RFE/RL BOARD AND THE BOARD FOR INTERNATIONAL BROADCASTING

SEC. 403. (a) The Board for International Broadcasting Act of 1973 (22 U.S.C. 2871-2879) is amended by adding at the end thereof the following new section:

"MERGER OF THE BOARD FOR INTERNATIONAL BROADCASTING AND THE RFE/RL BOARD

"SEC. 11. (a) Effective 60 days after the date of enactment of this section, no grant may be made under this Act to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

"(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the Board for International Broadcasting and of no other members, except that the member of the Board for International Broadcasting who is an ex officio member of that Board because of his or her position as chief operating executive of RFE/RL, Incorporated, may participate in the activities of the Board of Directors but may not vote in the determinations of the Board of Directors; and

"(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it deems necessary to carry out the purposes of this Act.

"(b) Compliance with the requirement of paragraph (1) of subsection (a) shall not be construed to make RFE/RL, Incorporated, a Federal agency or instrumentality.".

(b)(1) Section 3(b)(1) of such Act (22 U.S.C. 2872(b)(1)) is amended to read as follows:

"(b)(1) COMPOSITION OF BOARD.—The Board shall consist of ten members, one of whom shall be an ex officio member. The President shall appoint, by and with the advice and consent of the Senate, nine voting members, one of whom the President shall designate as chairman. Not more than five of the members of the Board appoint-

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ed by the President shall be of the same political party. The chief operating executive of RFE/RL, Incorporated, shall be an ex officio member of the Board and may participate in the activities of the Board, but may not vote in the determinations of the Board.".

(2) Sections 3(b) (3) and (4) of that Act (22 U.S.C. 2872(b) (3) and (4)) are amended to read as follows:

"(3) TERM OF OFFICE OF PRESIDENTIALLY APPOINTED MEMBERS.—The term of office of each member of the Board appointed by the President shall be three years, except that the terms of office of the individuals initially appointed as the four additional voting members of the Board who are provided for by the Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983, shall be one, two, or three years (as designated by the President at the time of their appointment) so that the terms of one-third of the voting members of the Board expire each year. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his or her successor has been appointed and qualified.

"(4) TERM OF OFFICE OF THE EX OFFICIO MEMBER.—The ex officio member of the Board shall serve on the Board during his or her term of service as chief operating executive of RFE/RL, Incorporated.".

RADIO BROADCASTING TO CUBA

SEC. 404. Any program of the United States Government involving radio broadcasts directed principally to Cuba, for which funds are authorized to be appropriated by this Act or any other Act, shall be designated as "Radio Marti".

TITLE V—MISCELLANEOUS PROVISIONS

INTER-AMERICAN FOUNDATION

SEC. 501. (a) Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended in the first sentence by striking out "$25,000,000 for each of the fiscal years 1979 and 1980" and inserting in lieu thereof "$12,000,000 for the fiscal year 1982 and $12,800,000 for the fiscal year 1983".

(b) Section 401(h) of that Act (22 U.S.C. 290f(h)) is amended by striking out "actual and necessary expenses not in excess of $50 per day, and for transportation expenses" and inserting in lieu thereof "travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code".

(c) Section 401 of that Act is further amended by adding at the end thereof the following new subsection:

"(u) When, with the permission of the Foundation, funds made available to a grantee under this section are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purposes for which the grant was made. This subsection applies with respect to both interest earned before and interest earned after the enactment of this subsection.".

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REPORT ON COSTS FOR REFUGEES AND CUBAN AND HAITIAN ENTRANTS

SEC. 502. (a) Not later than 60 days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a full and complete report on the total cost of Federal, State, and local efforts to assist refugees and Cuban and Haitian entrants within the United States or abroad for each of the fiscal years 1981 and 1982. Such report shall include and set forth for each such fiscal year—

(1) the costs of assistance for resettlement of refugees and Cuban and Haitian entrants within the United States or abroad;

(2) the costs of United States contributions to foreign governments, international organizations, or other agencies which are attributable to assistance for refugees and Cuban and Haitian entrants;

(3) the costs of Federal, State, and local efforts other than those described in paragraphs (1) and (2) to assist and provide services for refugees and Cuban and Haitian entrants;

(4) administrative and operating expenses of Federal, State, and local governments that are attributable to programs of assistance or services described in paragraphs (1), (2), and (3); and

(5) administrative and operating expenses incurred by the United States because of the entry of such aliens into the United States.

(b) For purposes of this section—

(1) the term "refugees" is used within the meaning of paragraph (42) of section 101(a) of the Immigration and Nationality Act; and

(2) the term "Cubans and Haitian entrants" means Cuban and Haitians paroled into the United States, pursuant to section 212(d)(5) of the Immigration and Nationality Act, during 1980 who have not been given or denied refugee status under that Act.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

SEC. 503. (a) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking out "and not to exceed 5 per centum annually of the principal of the Fund" and inserting in lieu thereof ", any amount of the contributions deposited in the Fund from nonappropriated sources pursuant to paragraph (2) or (3) of this section, and not to exceed 5 percent annually of the principal of the total amount appropriated to the Fund".

(b) Section 7(e) of such Act (22 U.S.C. 2906(e)) is amended by inserting after "amounts received" the following: "(including amounts earned as interest on, and proceeds from the sale or redemption of, obligations purchased with amounts received)".

INTERNATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES

SEC. 504. The Congress expresses its strong support for the promotion by the United States of sound infant feeding practices, and continues to be concerned with the sole negative vote cast by the United States against the International Code of Marketing of Breastmilk

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Substitutes. The Congress urges the President, in light of congressional concern and of new indications of international support for general implementation of the Code, to review the United States position on the Code prior to the 25th World Health Assembly meeting. The Congress also urges United States infant formula manufacturers to continue to re-examine their own position regarding the Code.

REPEAL OF OBSOLETE PROVISIONS

SEC. 505. (a) The following provisions of law are repealed:

(1) Section 408 of the Act entitled "An Act to authorize appropriations for fiscal years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting", approved August 15, 1979.

(2) Sections 121(b), 122(b), 504(e), 601(b), 603(c), 608(c), 609(c), 610(c), 611(b), 613(b), 705(a), 709, and 711 of the Foreign Relations Authorization Act, Fiscal Year 1979.

(3) Sections 107(b), 109(a)(7), 414(b), 501, 503(b), 505(a), and 513 of the Foreign Relations Authorization Act, Fiscal Year 1978.

(4) Section 403 of the Foreign Relations Authorization Act, Fiscal Year 1977.

(5) Sections 102(b) and 503(b) of the Foreign Relations Authorization Act, Fiscal Year 1976.

(6) Section 15 of the State Department/USIA Authorization Act, Fiscal Year 1975.

(b)(1) Sections 121, 122, 601, 611, and 613 of the Foreign Relations Authorization Act, Fiscal Year 1979, sections 107, 414, and 503 of the Foreign Relations Authorization Act, Fiscal Year 1978, and section 503 of the Foreign Relations Authorization Act, Fiscal Year 1976, are each amended by striking out "(a)".

(2) Section 705 of the Foreign Relations Authorization Act, Fiscal Year 1979, and section 505 of the Foreign Relations Authorization Act, Fiscal Year 1978, are each amended by striking out "(b)".

(3) Section 102 of the Foreign Relations Authorization Act, Fiscal Year 1976, is amended by striking out "(a) Except as provided in subsection (b), no" and inserting in lieu thereof "No".

And the House agree to the same.

CLEMENT J. ZABLOCKI,
DANTE B. FASCELL,
GUS YATRON,
DANIEL MICA,
WM. BROOMFIELD,
EDWARD J. DERWINSKI,
LARRY WINN, JR.,
Managers on the Part of the House.

CHARLES H. PERCY,
JESSE HELMS,
S. I. HAYAKAWA,
DICK LUGAR,
C. PELL,
JOE BIDEN,
JOHN GLENN,
Managers on the Part of the Senate.

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JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

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JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1193) to authorize appropri-

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ations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, expect for clerical corrections, conforming changes made necessary by agreements reached in the committee of conference, and minor drafting and clarifying changes.

TABLE I.—BUDGET ISSUES: FISCAL YEAR 1982

[In thousands of dollars]

	Executive branch request	Senate bill	House amendment	Conference
Department of State:				
Administration of foreign affairs	1,245,637	1,318,754	1,245,637	1,245,637
International organizations and conferences	503,462	523,806	503,462	503,462
International commissions	19,808	22,508	19,808	19,808
U.S. bilateral science and technology agreements	3,700	3,700	3,700	3,700
Asia Foundation		4,500		[1] 4,500
Migration and refugee assistance	504,100	560,850	504,100	[2] 504,100
Subtotal, Department of State	2,276,707	2,434,118	2,276,707	2,281,207
International Communication Agency	494,034	561,402	494,034	494,034
Board for International Broadcasting	86,519	98,317	86,519	86,519
Inter-American Foundation	12,000	12,000	10,560	12,000
Arms Control and Disarmament Agency	16,768	18,268		
Total	2,886,028	3,124,105	2,867,820	2,873,760

[1] In providing a separate authorization for the Asia Foundation for fiscal years 1982 and 1983, the conferees expect the executive branch to request separate authorizations for this purpose in succeeding fiscal years.

[2] Includes an earmarking of $12,500,000 for Soviet and Eastern European refugees resettling in Israel, and an earmarking of $1,500,000 for the "political detainee" program of the International Committee for the Red Cross (ICRC).

TABLE II—BUDGET ISSUES: FISCAL YEAR 1983

[In thousands of dollars]

	Executive branch request	Senate bill	House amendment	Conference
Department of State:				
Administration of foreign affairs	1,248,059	1,248,059	1,248,059	1,248,059
International organizations and conferences	514,436	514,436	514,436	514,436
International commissions	22,432	22,432	22,432	22,432
U.S. bilateral science and technology agreements	3,700	3,700	3,700	3,700
Asia Foundation				4,500
Migration and refugee assistance	460,000	467,750	460,000	[1] 460,000
Subtotal, Department of State	2,248,627	2,256,377	2,248,627	2,253,127
International Communication Agency	644,000	482,340	482,340	[2] 559,000
Board for International Broadcasting	98,317	98,317	98,317	98,317
Inter-American Foundation	12,800		12,800	12,800

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TABLE II—BUDGET ISSUES: FISCAL YEAR 1983—Continued

[In thousands of dollars]

	Executive branch request	Senate bill	House amendment	Conference
Arms Control and Disarmament Agency	19,942	(3)		
Total	3,023,686	2,837,034	2,842,084	2,923,244

[1] Includes an earmarking of $16,875,000 for Soviet and Eastern European refugees resettling in Israel, and an earmaking of $1,500,000 for the "political detainee" program of the International Committee of the Red Cross.

[2] The executive branch request, including supplemental, totals $644,000,000. The Senate bill and the House amendment recommended $482,340,000. However, since both the Senate Foreign Relations Committee and the House Foreign Affairs Committee subsequently reported supplemental authorization legislation (H.R. 5998 and S. 2581), the conferees agreed to the lower Senate combined level of $559,000,000. This amount includes earmarkings of $84,256,000 for grants for the Fulbright Academic Exchange Program and the International Visitor Program; $3,248,000 for grants for the Humphrey Fellowship Program; $8,906,000 for grants to certain private nonprofit organizations.

[3] The Senate bill authorized "such sums as may be necessary" for fiscal year 1983.

AUTHORIZATION OF APPROPRIATIONS

With respect to the fiscal year 1983 authorization request for the International Communication Agency, the committee of conference agreed to an authorization level that is below the President's request by $85 million. In authorizing an appropriation of $559 million for the International Communication Agency, it is the intent of the committee of conference that the appropriation for this amount not be offset by executive branch fiscal year 1983 budget reductions in other accounts in the international affairs budget function. In particular, the appropriation for ICA shall not be offset by executive branch reductions in the current request for salaries and expenses or other accounts of the Department of State, functional development assistance programs, operating expenses for the Agency for International Development, or the U.S.-assessed or voluntary contributions to international organizations. Should the executive branch seek at a later date a supplemental authorization and appropriation for fiscal year 1983 for the International Communication Agency above $559 million, such additional sum shall not be offset by reductions in any of the above-mentioned accounts or any other international affairs account. The committee of conference wishes to point out that the foreign policy agencies as a group are considered vital elements of U.S. national security. As such, it makes no sense and is, indeed, destructive of foreign policy and national security needs, to place the agencies in budgetary competition with each other.

The letter indicating support for this figure follows:

INTERNATIONAL
COMMUNICATION AGENCY,
OFFICE OF THE DIRECTOR,
Washington, D.C., July 20, 1982.

Hon. DANTE B. FASCELL,
Chairman, Subcommittee on International Operations, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: In its last meeting on the Department of State/USICA/BIB authorization bill, the Conference Committee set the USICA authorization for fiscal year 1983 at $482.3 million. This represents a reduction of more than 20 percent from the Administration's latest request of $644 million. The Committee also estab-

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lished within the authorized sum specific exchange-of-persons program earmarks totaling $89.8 million.

The resource impact of these actions poses a serious threat to this Agency's ability to serve effectively our vital national interests. This is especially worrisome at this critical crossroads in our relations with the rest of the world. We ask that the Committee reconsider the fiscal year 1983 amount for USICA and allow $559 million, the level approved by the Senate Foreign Relations Committee on May 26. The Administration supports this adjustment.

An allowance of $482.3 million would eliminate all funds requested to augment VOA's transmitter capabilities in South Asia and Africa and to modernize its domestic studios. Further it would remove funds needed to participate in the Tsukuba Expo in Japan, to consolidate Agency operations in Washington, to transmit regularly by satellite important Presidential and other foreign policy statements, and to effect other program improvements. These initiatives were critical to the revitalization of this nation's principal instrument for communicating with foreign audiences.

The President and I share the Committee's views on the value of the exchange-of-persons program. This was demonstrated most recently as the President endorsed the new International Youth Exchange Initiative on May 24. However, the exchange-of-persons earmarks, within the $482.3 million overall budget level, would have an unintended and most damaging impact. The balance among our program components would be seriously distorted. Core functions of the Agency, already badly eroded from previous cuts, would have to be reduced further. Increases for exchanges would have to come at the expense of VOA broadcast operations and our overseas posts, including the support of authoritative speakers, printed and audiovisual program materials that our field officers require.

At this volatile moment in world affairs we need to do more, not less.

In its consideration of USICA's supplemental authorization needs for FY 1983, the Senate Foreign Relations Committee covered our essential requirements in its $559 million allowance. After considerable deliberation within the Administration we are happy to report that we can support that authorization amount along with the language changes accepted by the Conference Committee in its June 22 meeting. I hope that the Conference will reopen the issue of USICA funding for FY 1983 and adopt the $559 million amount.

I wish to express my sincere gratitude to you for your strong interest and support for this Agency's activities. With your continued assistance we will meet those national security needs that are lodged with this Agency.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this request.

With my best regards.

Sincerely,

CHARLES Z. WICK,
Director.

The committee of conference also notes that the conference substitute authorizes $504,100,000 for refugee and migration assistance

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in fiscal year 1982 and $460 million in fiscal year 1983. The conference committee expects that funds from these amounts will be used, along with contributions from other donors, to help alleviate the desperate plight of the approximately 1.5 million ethnic Somali refugees who have fled fighting and repression in Ethiopia's Ogaden region. The conference committee requests the executive branch to implement procedures to insure that U.S. refugee assistance reaches the needy Somali refugees for whom it is intended and that such assistance is not diverted to other purposes.

The committee of conference also notes that many Members of Congress have received complaints from their constituents about the long delays encountered in the issuance of passports. Conferees are aware that the Department of State has made progress in solving this problem, the result of a series of simultaneous breakdowns and other factors, but that the backlog is still serious. It is the view of the conference committee that the Department should take the steps necessary to improve the passport situation by assigning more personnel, adjusting the workload among passport offices, reopening the Detroit passport office if possible, or taking whatever other steps are required.

REOPENING OF CERTAIN U.S. CONSULATES

The Senate bill earmarked $2.085 million for each of fiscal years 1982 and 1983 to be used to reopen, operate, and maintain consulates in Turin, Italy, Salzburg, Austria, Goteborg, Sweden, Bremen, Germany, Nice, France, Mandalay, Burma, and Brisbane, Australia.

The House amendment precluded the opening of any new U.S. consulates until the seven consulates mentioned above were reopened.

The conference substitute reprograms $400,000 in fiscal year 1982 to operate and maintain the seven consulates and retains the language of the House amendment precluding the opening of any new U.S. consulates until the seven are reopened. The committee of conference notes that these funds will be available without further congressional action. The Department of State estimates that approximately $1,500,000 will be used in fiscal year 1983 to operate and maintain these consulates. The committee of conference expresses the hope that this will be the last occasion for disagreement over the opening and closing of U.S. posts abroad. It is the view of the conferees that the broadest possible U.S. presence is desirable abroad. U.S. foreign policy and national security are not enhanced when U.S. contact with other countries and peoples is restricted.

RESTRICTION OF FUNDS FOR THE PALESTINE LIBERATION ORGANIZATION

The Senate bill prohibited the use of funds appropriated for international organizations for payment by the United States of assessments which would provide political benefits to the Palestine Liberation Organization or entities associated with it. The provision also required an annual report to the Congress on the programs and amounts withheld.

The House amendment contained no comparable provision.

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The conference substitute is identical to the Senate provision.

PAYMENT OF ASSESSED CONTRIBUTIONS FOR CERTAIN INTERNATIONAL ORGANIZATIONS

The Senate bill earmarked $45,800,000 for fiscal year 1982 and $45,800,000 for fiscal year 1983 of the funds in the "International Organizations" account to be used to pay the U.S. full-calendar-year assessments in 1982 and 1983 to the Organization of American States. The specific purpose of this section was to exempt the OAS from the executive branch's deferral plan so as not to cause serious cash-flow problems for this organization, where the U.S. contribution is approximately 62 percent of the total.

The proposed deferral plan is a 4-year process which would change the timing of the payment of the U.S. assessed contributions to these organizations. The intent is to enable the Congress and the executive branch to prepare and act upon the annual budget request for U.S. assessed contributions after the budget for each international organization has been adopted, rather than in advance of adoption of the budget, as has been done in the past. Under the proposed change, the United States would not technically be in arrears to any of these organizations in any given calendar year, although the payments would be made at staggered times over the next 4 years. The transition to this new payment cycle is proposed to be fully accomplished in the fiscal year 1986 budget request.

The House amendment contained no comparable provision.

The conference substitute requires that the entire U.S. assessed contributions for the Organization of American States, the Pan American Health Organization, and the Inter-American Institute for Cooperation of Agriculture for fiscal years 1982 and 1983 be paid in calender years 1982 and 1983, respectively, without regard to the deferral plan for assessed contributions. This exemption is being made because the U.S. contribution to these inter-American organizations averages approximately 60 percent of the total. Should the deferral plan be extended to these organizations, the United States would precipitate a severe budgetary crisis.

In providing this exemption, the committee of conference expects that the Department of State will continue the policy of providing an orderly decrease in the percentage share the United States pays to the OAS, down to a level of 49 percent. While the nature of this inter-American organization justifies greater U.S. financial support than the 25-percent share mandated for most international organizations, the original 66-percent U.S. share was established when the countries in the hemisphere were much weaker economically than they are today. Hence, it is appropriate for the United States to seek a reduction in its percentage share of the OAS's assessed budget.

INTERNATIONAL COMMITTEE OF THE RED CROSS

The Senate bill earmarked $1,500,000 each in fiscal years 1982 and 1983 from the migration and refugee assistance account to be used only as a contribution to the International Committee of the

Red Cross (ICRC) to support the ICRC's program for the protection and assistance of political detainees.

The House amendment contained no comparable provision.

The conference substitute is identical to the Senate provision.

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

The House amendment earmarked $12,500,000 for fiscal year 1982 and $15 million for fiscal year 1983 in the migration and refugee assistance account for assistance for the resettlement in Israel of refugees from the Soviet Union and from Communist countries in Eastern Europe.

The Senate bill earmarked $18,750,000 for each year for this purpose.

The conference substitute earmarks $12,500,000 in fiscal year 1982 and $16,875,000 in fiscal year 1983 to assist in the resettlement in Israel of refugees from the Soviet Union and Eastern Europe and extends the program to refugees entering Israel from other countries. In extending the program to "other countries," the committee of conference was particularly concerned about the plight of the Ethiopian Falasha Jewish and Iranian Jewish communities.

The committee of conference notes that such assistance is particularly important at this time. According to the latest State Department report on human rights practices in Ethiopia, Falasha Jews are facing increasingly harsh conditions at home. Iranian Jews have also been marked for execution by the Iranian regime. Consequently, the committee of conference urges the executive branch to employ all available diplomatic means and all appropriate intermediaries, including the United Nations, to help in the departure of those Ethiopian and Iranian Jews who wish to emigrate.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION (UNESCO)

The Senate bill expressed congressional opposition to efforts by UNESCO to attempt to regulate news content and the operations of the world press and efforts by some countries to control access to and dissemination of news, but contained no Presdential reporting requirement.

The House amendment expressed the sense of the Congress that UNESCO should cease its efforts to attempt to regulate news content and formulate regulations for the operation of the press. It also stated that the Congress opposes efforts by some countries to control access to and dissemination of news. It required a report from the President (1) assessing the relationship of UNESCO programs and U.S. financial contributions to UNESCO and to the U.S. national interest; (2) assessing UNESCO programs and activities, especially in the field of communications; (3) assessing the quality of U.S. participation and recruitment for employment by UNESCO, and (4) making recommendations regarding improvements which should be made in the quality and substance of U.S. representation in UNESCO.

The conference substitute is the same as the House amendment.

RESTRICTIONS ON CONTRIBUTIONS TO UNESCO

The Senate bill expressed the sense of the Congress that, for fiscal year 1982 or 1983, the U.S. contribution to UNESCO should be reduced by 25 percent of any amount UNESCO expends on activities which would impede the free flow of information.

The House amendment provided that none of the funds authorized by this act or any other act may be used for payment of the U.S. assessed contribution to UNESCO if that organization implements any policy which has the effect of licensing journalists or their publications, restricting the free flow of information within or among countries, or imposing mandatory codes of journalistic practice or ethics.

The conference substitute is identical to the House amendment.

ASIA FOUNDATION

The Senate bill provided an additional authorization of $4.5 million in fiscal year 1982 for the Asia Foundation above the amount requested for "Administration of Foreign Affairs."

The House amendment contained no comparable provision.

The conference substitute authorizes $4.5 million in fiscal year 1982 and in fiscal year 1983 for the Asia Foundation.

The committee of conference stresses that the earmarked funding for the Asia Foundation for fiscal years 1982 and 1983 is provided as a stopgap measure only. It is the strong consensus of the conferees, however, that in the future the Asia Foundation must have a more permanent funding structure. Noting that a study of the issue has been submitted to the House Foreign Affairs and Senate Foreign Relations Committees, the committee of conference suggests as a possible solution that, beginning in fiscal year 1984, funds for the Asia Foundation be requested as a separate line item within the Department of State budget and not through funds designated for operational or program expenses of the Department. Neither the accounts of the Department not the Asia Foundation should be placed in the position of competing with one another for funds. The Asia Foundation is a useful foreign policy tool and should be treated as such in budgetary terms. In the alternative, the Aisa Foundation budget might be handled as a separate item, similar to the Inter-American Foundation. The committee of conference expects a resolution of this question by the time the fiscal year 1984 budget is submitted.

BUYING POWER MAINTENANCE

The House amendment provided budget authority for such sums as may be necessary for a buying power maintenance fund to offset losses in other appropriations due to adverse fluctuations in foreign currency exchange rates or other overseas wage and price changes unanticipated in the budget. The House amendment also specified the establishment of an account specifically entitled "Buying Power Maintenance" account and authorized the Secretary of State to transfer money out of the buying power maintenance account to other accounts under "Administration of Foreign Affairs" in order to maintain approved levels of operation. Finally, the House

amendment provided clarifying language for USICA and BIB to insure authorization of the amount of appropriations necessary to offset adverse fluctuations in foreign currency exchange rates in order to maintain the authorized level of operations.

The Senate bill provided that $20 million of the funds authorized for the Department of State be used for buying power maintenance and provided for transfer of funds to that account from other appropriation accounts of the Department.

The conference substitute is identical to the House amendment, with an amendment to replace "may" with "shall" in subsection (b)(3), the effect of which is to require the transfer of funds to the account in appropriate cases, to prevent windfall gains.

DOCUMENTATION OF CITIZENSHIP

The House amendment provided that passports and the reports designated as "Report of Birth Abroad of a Citizen of the United States" shall be considered as evidence of U.S. citizenship in the same manner as are certificates of naturalization or citizenship.

The Senate bill contained no comparable provision.

The conference substitute is identical to the House amendment.

PRIVATE SECTOR REPRESENTATIVES ON U.S. DELEGATIONS TO INTERNATIONAL TELECOMMUNICATIONS MEETINGS AND CONFERENCES

The House amendment exempted from certain provisions of the Ethics in Government Act, private sector representatives who are asked to serve on U.S. delegations to certain international telecommunications meetings and conferences. The Secretary of State will, in all cases, certify the need for private sector participation and will also determine which conferences require participation by the private sector for purposes of implementing this provision.

The Senate bill contained no comparable provision.

The conference substitute is identical to the House amendment.

PROCUREMENT CONTRACTS

The House amendment authorized the Department of State, under certain circumstances, to enter into contracts for property and services on a multiyear basis, for a period not to exceed 5 years, subject to the availability of appropriations.

The Senate bill contained no comparable provision.

The conference substitute is identical to the House amendment.

COMPENSATION FOR DISABILITY OR DEATH

The House amendment exempted the Department of State from payng Federal workmen's compensation insurance for employees working under short-term contracts for the Department or the Foreign Service overseas.

The Senate bill contained no comparable provision.

The conference substitute is identical to the House amendment.

DUTIES OF A CHIEF OF MISSION

The Senate bill provided that each chief of mission shall have as a principal duty the promotion of U.S. goods and services for export to such country.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate provision.

The committee of conference agrees that the promotion of U.S. goods and services is a vital aspect of the job of our missions abroad. Toward this end, the Foreign Commercial Service became a part of the Foreign Service of the United States, yet its personnel are in the Commerce Department while Foreign Service economic officers are in the Department of State. While the question of whether these two functions should ever have been separated may remain open, it is inefficient to separate officers who work together overseas. Therefore, in the interests of effective foreign policy management, efficient promotion of U.S. economic and commercial interests, and Foreign Service morale generally, the committee of conference urges the return of the Foreign Commercial Service to the Department of State, together with the personnel and resources now provided to the Department of Commerce.

AMENDMENTS CORRECTING PRINTING ERRORS

The House amendment provided for the correction of two printing errors in the Foreign Service Act of 1980.

The Senate bill contained no comparable provision.

The conference substitute is identical to the House amendment.

SCIENTIFIC EXCHANGE ACTIVITIES WITH THE SOVIET UNION

The House amendment provided that, prior to renewal of the General Agreement on Contracts, Exchanges and Cooperation between the United States and the U.S.S.R., and prior to planning future exchange activities between the United States and the U.S.S.R., or by June 1, 1982, whichever occurs first, the Secretary of State is required to submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate. Such a report should include a description of the specific research and projects involved, the areas of cooperation, the man-hours spent in exchanges, the levels of funding by both the United States and the U.S.S.R., and an assessment of the equality or inequality in value of the information exchanged for all exchanges and activities conducted during fiscal years 1979, 1980, and 1981 pursuant to the 11 agreements for cooperation in specialized fields entered into by the United States and the U.S.S.R. between 1972 and 1974. The report was to be prepared in consultation and cooperation with the Secretary of Defense and other relevant agency heads. Subsection (c) cut off all funding after June 30, 1982, for any long-term scientific or technological exchanges between the United States and the U.S.S.R.

The Senate bill contained no comparable provision.

The conference substitute incorporates the House amendment with an amendment to (a) change the reporting requirement to require a report within 90 days after date of enactment of this bill;

(b) require a report on the exchanges and other activities conducted under these agreements in fiscal years 1981 and 1982 in consultation with the heads of the other involved agencies; and (c) delete the funding prohibition and require instead that a report be submitted by the Secretary of State no later than July 1 of each year on the Soviet nationals participating in the exchanges, their topics of study, and their places of study, as well as a determination by the Secretary, in consultation with the other agency heads involved in these exchange programs, that these exchange programs will not jeopardize U.S. national security interests.

FOREIGN MISSIONS ACT

The House amendment (the "Foreign Missions Act") established a new "Office of Foreign Missions" within the Department of State and authorized the Secretary of State to review and control the operations of foreign missions in the United States and the benefits available to them. "Benefit" was broadly defined to include any type of service or supply, including real property transactions, available from public or private sources. It empowered the Secretary to set terms and conditions upon which benefits may be provided; set forth the mechanism and criteria under which issues relating to the location of foreign missions in the District of Columbia are to be decided; provided for the preemptive effect of the exercise of Federal jurisdiction regarding the conferral or denial of benefits under this legislation; provided administrative authorities to enable the Office of Foreign Missions to operate under the direction of the Secretary of State, but not subject to control by the bureaus responsible for the day-to-day operations of the Department; granted authority to the Secretary to apply the foreign missions provisions to international organizations or official missions thereto; and limited to two persons per foreign mission any certification for purposes of issuance of diplomatic license plates.

The Senate bill contained no comparable provision. S. 854, passed by the Senate, is similar to the House amendment, but contained no provision on the location of foreign missions in the District of Columbia.

The conference substitute is similar to the House amendment with the following changes which were drawn primarily from provisions in S. 854: It adds language preserving the authority of the Secret Service to provide protective services; requires the Secretary of State to advise those proposing to enter into transactions with foreign missions whether the proposed transaction is prohibited by any regulation or determination of the Secretary under this legislation; broadens the definition of "international organization" to include those in which the United States does not participate; clarifies that the authorities of the bill shall be exercised in accordance with procedures and guidelines approved by the President; sets forth procedures and criteria under which issues relating to the location of foreign missions in the District of Columbia are to be decided; clarifies the preemptive effect of the exercise of Federal jurisdiction regarding the conferral or denial of benefits under this legislation; and provides that only amounts transferred or credited

to the working capital fund of the Department of State may be used in carrying out the functions under the Foreign Missions Act.

Among those House provisions deleted by the conference substitute were the provision granting authority to the National Capital Planning Commission to settle chancery issues and the provision establishing the Foreign Missions Act as the exclusive law governing foreign missions in the District of Columbia. The original preemption provision was replaced with more limited language, which does not require State or local authorities to take any affirmative action.

The conference substitute also deletes the House provision concerning diplomatic license plates. The committee of conference took careful note of past abuses by foreign diplomatic personnel stemming from their special status and immunity. Such abuse was especially prominent in the area of diplomatic license plate issuance. Careful note was also taken of an exchange of letters between Representative William S. Broomfield and Under Secretary of State Richard T. Kennedy on this matter. The committee of conference is reassured by the Department's forthright response and its commitment to pursue this matter in the future. Specifically, the Department has indicated its intent to scrutinize the issuance of diplomatic license plates; assist local jurisdictions, as appropriate, with their collection of parking fines and the pursuit of other motor vehicle violations; and to monitor generally the number of diplomatic license plates issued. The committee of conference notes that these matters come within the purview of the new Foreign Missions Act and that the Department therefore will be able to remove this problem from the Office of Protocol and turn it over to the Office of Foreign Missions for handling.

With respect to the location of chanceries in the District of Columbia, the conference substitute contains a provision replacing that contained in section 206 of the House amendment. This new section retains the existing D.C. zoning structure composed of the National Capital Planning Commission, the D.C. Zoning Commission, and the D.C. Board of Zoning Adjustment. For purposes of considering chancery issues, the substitute provides that the President may designate the Secretary of Defense, the Secretary of the Interior, or the Administrator of General Services to serve as the Federal representative on the Zoning Commission in lieu of the Director of the National Park Service, and that the individual so designated will also serve on the Board of Zoning Adjustment, as the Zoning Commission representative when the Board considers chancery matters. The substitute also provides for chanceries to be treated similarly to, and no less favorably than, office and institutional uses, and sets forth criteria for use in determining the chancery issues which take into consideration international obligations and the need to balance municipal and Federal interests.

ANALYSIS OF CERTAIN FOREIGN MISSIONS PROVISIONS

Chanceries in the District of Columbia

Section 206 affects chancery locations only in the Nation's Capital and, therefore, is set apart from other sections of the Foreign Missions Act which are of general application. Section 206(a) states

that the location, replacement, or expansion of chanceries in the District of Columbia shall be subject to this section.

Section 206(b)(1) permits chanceries to locate as a matter of right in any area zoned commercial, industrial, waterfront, or mixed-use, but not in medium-high or high-density residential zones. This means that a chancery wishing, for example, to locate in a mixed-use (commercial-residential) zone, may do so if it meets the same standards as to building height, bulk, et cetera, and acquires the necessary permits, as do other property users within that zone. Additional administrative steps would not be required. The principal change from the current situation is the inclusion of lower density commercial areas as a matter of right. These areas are often desirable for chancery uses, as they are for certain office and institutional uses. Indeed, the majority of chancery uses are small scale and lower density and therefore suitable for such areas, or in some cases require placement in such areas for security reasons. This subsection also includes the commercial-residential mixed-use areas and waterfront areas, which is not a change from current law, and adds industrial areas. The section does not authorize the location of chanceries as a matter of right in areas zoned residential.

Section 206(b)(2) permits chanceries, upon application, to locate, as at present, in areas zoned medium-high or high-density residential, as well as in other areas which include office and institutional uses, including mixed-use diplomatic and special purpose districts. All locations within these areas are subject to disapproval under the District of Columbia zoning process as provided in this section. This subsection will not permit chanceries to be located in any area which is essentially a residential use area.

Section 206(b)(3) precludes the imposition of limitations or conditions on chanceries greater than those placed on other office or institutional uses. This insures treatment for chancery uses equal to that accorded comparable uses in the same area.

Section 206(c)(1) provides for filing with the D.C. Board of Zoning Adjustment and public notice of all applications for chancery use or appeals by chancery applicants from adverse zoning determinations. This is consistent with current law.

Section 206(c)(2) provides for appropriate public participation in proceedings under this section. The D.C. Zoning Commission will have the responsibility for issuing the regulations governing public participation.

Section 206(c)(3) provides a limitation of 6 months for proceedings involving chanceries under this section. This is intended to insure an expeditious process which will avoid the extensive and overlapping proceedings which are required under existing law and regulations. A time limit of 6 months should, in most cases, be more than sufficient to complete the decisionmaking process. It is expected, however, that final decisions will, to the extent possible, be made in a shorter period.

Section 206(d) sets forth the criteria to be applied in the determination of chancery issues, which are intended to balance the municipal and Federal interests. In brief, these criteria include: (1) Recognition of the international obligation of the United States concerning the location of chancery facilities in the Nation's Capital; (2) historic preservation; (3) adequacy of parking and public

transportation; (4) availability of Federal security; (5) the municipal interest, as determined by the Mayor of the District of Columbia, which includes matters such as traffic, height, bulk, area impact, among others; and (6) the Federal interest, as determined by the Secretary of State, which includes matters such as national security, foreign relations concerns, and the reciprocal impact on U.S. missions abroad.

Section 206(e)(1) provides that regulations, proceedings, and other actions of the National Capital Planning Commission (NCPC), the D.C. Zoning Commission, and the Board of Zoning Adjustment of the District of Columbia, shall be consistent with the provisions of this section, including the criteria described above, in order to assure consistency among actions of the several bodies administering this section.

Section 206(e)(2) provides for referral to NCPC for review and comment of proposed actions of the Zoning Commission, as is required under existing law.

Section 206(f) provides that proceedings concerning chanceries under this section would be conducted under a rulemaking and not an adjudicatory procedure. This will provide a process compatible with the conduct of diplomatic relations between the sovereign nations involved, and the participation of their diplomatic representatives in these proceedings. Such rulemaking procedures are currently employed by the Zoning Commission of the District of Columbia in some of its proceedings.

Section 206(g) directs the Secretary of State to require substantial compliance with building and related codes by foreign missions, which is stricter than current practice under which these codes are not enforced with respect to foreign missions because of diplomatic immunity. This subsection permits the Secretary of State to accommodate special building requirements, generally involving security, communications, and related needs, which are often required to be adjusted in a similar manner for U.S. missions abroad.

Section 206(h) provides grandfather rights for existing chancery locations and uses, so that such issues need not be reopened.

Section 206(i)(1) authorizes the President to adjust Federal representation on the D.C. Zoning Commission for purposes of proceedings under this section, in order to reflect, as appropriate, national security and foreign policy concerns. Under existing law, one Federal agency representative is now a member of the Zoning Commission. The Zoning Commission of the District of Columbia is composed of three representatives appointed by the Mayor of the District, one Federal agency representative (currently the National Park Service), and the Architect of the Capitol. This authority neither increases the Federal representation nor affects the District majority thereon appointed to the Commission by the Mayor of the District of Columbia.

Section 206(i)(2) provides that for purposes of chancery issues, the Federal agency representative (who may be the existing official or one designated under the preceding subsection (i)(1)) shall also be the Zoning Commission representative on the Board of Zoning Adjustment. The Board of Zoning Adjustment of the District of Columbia is composed of three persons appointed by the Mayor of the

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District, one representative of the Zoning Commission, and one representative of the National Capital Planning Commission. Under existing law and practice, one member of the Commission currently serves on the Board on a rotating basis. This provision therefore assures that the Federal interest will always be appropriately reflected in the performance of the Board's functions under this section. It does not affect the District majority appointed to the Board by the Mayor of the District of Columbia. This subsection also provides that in chancery proceedings, the NCPC representative serving on the Board shall be the Executive Director of the Commission, which conforms to the existing NCPC practice of appointing a staff member for such purposes.

Section 206(j) provides that other provisions of law shall apply to chanceries in the District of Columbia only to the extent they are consistent with this section. This is in lieu of the House provision which made the Foreign Missions Act the exclusive law governing foreign missions in the District.

Preemption

Section 207 expresses the preemptive effect of the right of the Federal Government, through the Secretary of State, to preclude the acquisition of any benefits by a foreign mission within the United States. A denial by the Secretary, for example, of a right of a particular foreign government to open or maintain a mission within the United States, or a condition limiting the number of their personnel or other factors relating to the mission, would be controlling. This is consistent with current practice and reflects the policy of Federal preemption in foreign relations. This subsection does not otherwise affect State or local law or regulations. Nothing in this section would require any State or local authority to take any affirmative action. The principal impact of its terms is to preclude reliance on local law, regulation, or practice by a foreign mission in an effort to secure benefits contrary to limitations imposed by the Secretary. This limited preemption is necessary in order to assure that the purposes of the Foreign Missions Act are carried out.

Of course, State and local governments are obliged to respect the rights of foreign missions to be granted certain benefits under international law and international agreements in force. The views of the Secretary of State on the requirements of international law are authoritative in this regard. Should a State or local governmental entity wish to deny benefits which it is not obliged to grant, contrary to a determination by the Secretary of State that such benefits should be granted, the matter would, as under present practice, be subject to resolution through discussions between the Department of State and the State or local governmental entity. The committee of conference notes that the interests of the Department in promoting foreign policy and national security interests and the interests of State and local governments in protecting local citizen interests are not necessarily incompatible and therefore looks forward to a productive working relationship between the Department of State and State and local authorities.

This section also requires coordination among Federal agencies, under the leadership of the Secretary of State, in order to achieve

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an effective policy of reciprocity so as to fulfill the purposes of this legislation by precluding any Federal agency from taking any action inconsistent with the Foreign Missions Act. The provision has the effect of rendering unenforceable any rules or regulations of any Federal agency, to the extent that such rules or regulations would confer or deny benefits contrary to this title.

The committee of conference notes that the Foreign Missions Act is a new and unique piece of legislation which grants the Secretary of State significant authority over the activities and operations of foreign missions in the United States—authority which is long overdue. In order to carry out this authority effectively, the Office of Foreign Missions will need adequate numbers of trained personnel, as well as sufficient resources for the job. The committee of conference expects the Department of State to establish an effective and aggressive operation with a useful working relationship with the bureaus and offices of the Department, as well as with other interested agencies, but which maintains its distance from the day-to-day operations of the Department. In addition, the committee of conference cautions that a clear distinction must be made and maintained between the Office of Foreign Missions and the Office of Protocol, since their responsibilities may often be conflicting. The committee of conference expects, in particular, that certain responsibilities will be moved from the Office of Protocol to the Office of Foreign Missions, including such matters as: (1) the determination of eligibility and issuance of credentials of diplomatic, counsular, and other foreign government officers and employees with respect to rights, privileges, and immunities; (2) advising and acting as liaison to State and local government authorities on diplomatic privileges and immunities and related matters; (3) providing certifications of the immunity status of individuals for use in court cases; (4) requesting waiver of immunity in appropriate cases; (5) assisting in the negotiations of consular conventions and other treaties and agreements involving rights, privileges, and immunities of foreign government missions and personnel; and (6) providing advice and assistance to diplomatic missions.

In certain areas, the Secretary may find it appropriate to permit sharing of responsibilities between the two offices, but the committee expects the new office to resolve the inherent conflict between protocol duties and those duties involving regulation of foreign mission activities. Appropriate liaison between the offices should assure that conflicts are minimized.

REDESIGNATION OF THE U.S. INTERNATIONAL COMMUNICATION AGENCY

The House amendment provided that, as of January 1, 1982, the International Communication Agency would be redesignated as the United States Information Agency.

The Senate bill contained no comparable provision.

The conference substitute is identical to the House amendment, with an amendment changing the effective date to the date of enactment of this legislation.

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SPECIAL INSURANCE COVERAGE

The Senate bill authorized the International Communication Agency to purchase a special errors and omissions insurance policy or similar coverage to meet any potential liability in order to facilitate the use by ICA of privately owned films, music, and other cultural or intellectual properties.

The House amendment contained no comparable provision.

The conference substitute incorporates the Senate provision with an amendment subjecting this authority to the availability of appropriations, to avoid creating "contract authority" in violation of the Congressional Budget Act.

INTERNATIONAL EXCHANGES AND NATIONAL SECURITY

The Senate bill stated that exchange-of-person programs promote U.S. security interests; expressed a "sense of Congress" conclusion that such programs should be expanded; and mandated executive branch action to triple such activities, in real terms, in the 4 years following enactment of this bill.

The House amendment contained no comparable provision.

The conference substitute retains the sense of Congress language of the Senate provision; mandates a doubling of the amount obligated for grants for exchange-of-persons activities by fiscal year 1986; earmarks specific amounts in fiscal year 1983 for the Fulbright Academic Exchange Program, the International Visitor Program, the Humphrey Program and for grants to private, nonprofit organizations; provides for proportional reductions in the earmarking in fiscal year 1983 if the appropriation is lower than the authorization; and permits the use of up to 5 percent of the earmarked amounts for other purposes, provided a justification for such reprograming is submitted to the Committees on Foreign Affairs and Foreign Relations.

The committee of conference notes that the specific earmarks are intended as a floor level for these exchange programs and should not preclude higher appropriations for exchange programs.

The Conference expects that, in the event appropriations for ICA are less than the amounts authorized for FY 1983, any reductions made in the non-earmarked programs of the Educational and Cultural Affairs Directorate shall be of no greater percentage than the percentage by which amounts appropriated for the entire agency are less than amounts authorized.

DISTRIBUTION WITHIN THE UNITED STATES OF CERTAIN ICA FILMS

The Senate bill provided for the domestic distribution of the ICA film entitled "In Their Own Words."

The House amendment provided for the domestic distribution of two other ICA films, "Reflections: Samuel Eliott Morison" and "And Now Miguel."

The conference substitute merges the two provisions. The committee of conference notes that the legal prohibition on dissemination of ICA materials within the United States necessitates an act of Congress every time a request is made to release an ICA product. This procedure is cumbersome and time consuming. Therefore,

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the committee of conference directs the International Communication Agency to review the matter and make a full report to the Committees on Foreign Affairs and Foreign Relations, complete with recommendations and dissenting views, not later than January 31, 1983. One possible solution which should be analyzed is the formation of a panel composed of senior representatives of the relevant agencies, industries, and organizations to review requests to release ICA materials. This panel would make the necessary judgments to permit domestic distribution of ICA products, while protecting against copyright infringement, undue competition, and domestic political propaganda.

Another solution which the Congress may wish to consider is the policy and procedure adopted and followed by the Senate Foreign Relations Committee. The policy and procedure are as follows:

COMMITTEE POLICY

As a general policy, the committee will only consider release of films with special historical, educational or cultural merit and will not authorize the release of materials which seek to influence public opinion on contemporary issues. Also, as a general policy the committee will not authorize the domestic release of films until after foreign release.

COMMITTEE PROCEDURES

First. The committee will ask any Member who introduces a Senate resolution which authorizes release of an ICA film to provide the committee a description of the film and a detailed explanation of the benefits to be gained by domestic release.

Second. The committee will ask ICA to comment on the proposed domestic release with particular regard both to the committee policy permitting domestic release of films only with special historical, educational, or cultural merit, and the intent of existing law prohibiting domestic release of ICA materials which seek to influence public opinion on contemporary issues.

Third. The committee will arrange for a viewing of the film by committee members and staff and will not schedule a committee vote on the resolution authorizing domestic release until sufficient time for viewing has elapsed.

MERGER OF THE BOARD FOR INTERNATIONAL BROADCASTING AND THE BOARD OF DIRECTORS OF RFE/RL, INC.

The Senate bill requires identical membership between the Board for International Broadcasting and the Board of Directors of RFE/RL, Inc. (Radio Free Europe and Radio Liberty). The provision expanded the number of Presidentially appointed members of the BIB to nine voting members from the current five and charges the newly reconstitued Board of Directors of RFE/RL with the responsibility for oversight and operation of the radios.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate provision, but provides for an effective date of the merger requirement of 60 days following date of enactment of this legislation and clarifies

that the chief operating executive of the radios is a nonvoting member of both Boards.

The committee of conference notes that under this amendment, the nine voting members of the BIB will also serve as the Board of Directors of RFE/RL, Inc. Thus a single Federal Board will be able to make the major policy decisions affecting RFE/RL, including key managerial appointments, in expeditious fashion.

However, the BIB and RFE/RL, Inc., will and must remain very distinct and different institutions. RFE/RL, Inc., is a nonprofit broadcasting corporation; the BIB is a Federal oversight agency. The task of RFE/RL personnel is to prepare and transmit high-quality broadcasts. The statutory role of BIB is to oversee, assess, and evaluate the quality and effectiveness of those broadcasts in the context of broad U.S. foreign policy objectives, and to assure efficient management of public funds in accordance with legislative mandate.

The committee of conference raised questions as to how these objectives can be assured when the Presidentially appointed BIB members serve only part-time—the equivalent of 30 or perhaps in some cases 45 days a year. RFE/RL broadcasts 146 hours a day, 365 days a year, in 21 East European and Soviet languages from transmitter sites located in three West European countries. Federal oversight of such a complex and politically sensitive enterprise must be continuous; it cannot be suspended for weeks or months at a time while waiting for Board members to meet or to be appointed by new administrations. That is why the original legislation provided for a full-time Federal staff drawn from the competitive service. The present BIB staff has maintained that continuity of oversight over the years. It is the expectation of the committee of conference that this indispensable function of the BIB staff—totally separate from RFE/RL operational management—will continue to be exercised effectively under the new arrangement.

The committee on conference expects that the Board shall assure that RFE/RL, Inc., continues to observe the standards and restraints defined in the Board's Statement of Mission and the RFE/RL Program Policy Guidelines, as contained in the Board's Eighth Annual Report to the President and the Congress.

These standards are the product of careful bipartisan deliberation in several administrations; they reflect the national interest in the long-range credibility of RFE/RL broadcasts as trustworthy media of news and news analysis; and they should not be tampered with. This amendment is intended to facilitate the more efficient management of RFE/RL. It should *not* be interpreted as a license to manipulate RFE/RL for the purpose of short-term propaganda or sectarian ideological crusades.

Enactment of this amendment necessarily involves a higher degree of accountability to the Congress of the BIB members, appointed by the President by and with the advice and consent of the Senate. The BIB will be expanded from five to nine members. In appointing new members and filling current vacancies, the executive branch would be well advised to draw from among the highly qualified members of the RFE/RL private board, and—if it wishes to secure the bipartisan consensus of support for RFE/RL which has prevailed the past 8 years—the executive branch would also be

well advised to assure that the new BIB is broadly representative of the entire domestic political spectrum. This amendment makes it more, rather than less, necessary that BIB decisions be truly collegial and that the Congress exercise its oversight responsibilities in frequent and timely fashion.

RADIO BROADCASTING TO CUBA

The Senate bill provided that any funded program of the U.S. Government involving radio broadcasts to Cuba shall be designated as "Radio Free Cuba."

The House amendment contained no comparable provision.

The conference substitute provides that any U.S. Government radio broadcasts directed principally to Cuba shall be designated "Radio Marti." The section does not provide any authority to operate Radio Marti. The committee of conference notes that separate legislation authorizing radio broadcasting to Cuba is pending in the House and the Senate.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

The Senate bill would have permitted the Commission to spend contributions to the Japan-United States Trust Fund without the current 5-percent per-annum limitation on expenditures of the appropriated portions of this Fund. It would also allow the Commission to spend the interest those contributions earn while in the Fund, without further appropriation.

The House amendment contained no comparable provision.

The conference substitute is identical to the Senate provision.

INFANT FORMULA CODE

The Senate bill expressed concern with the U.S. negative vote on the World Health Organization (WHO) International code of Marketing Breastmilk Substitutes; endoresed the work of development agencies on problems of infant nutrition; encouraged continued efforts to combat infant illnesses, and urged the U.S. Government and the infant formula industry to support the basic aim of the code.

The House amendment expressed dismay at the negative vote cast by the United States on the WHO code; urged the executive branch to notify the WHO that the United States will cooperate with other nations in implementation of the code; and urged the U.S. infant formula industry to abide by the guidelines of the code, particularly with respect to exports and the activities of subsidiaries in developing countries. The findings section of the House amendment also noted that the use of infant formula is estimated to account for up to a million infant deaths per year.

The conference substitute expresses strong congressional support for the promotion by the United States of sound infant feeding practices; expresses concern over the sole negative vote cast by the United States against the International Code of Marketing Breastmilk Substitutes; and urges both the President and U.S. infant formula manufacturers to reexamine the U.S. and industry positions regarding the code.

A number of events have occurred since the House and Senate passed their respective provisions on this issue. Section 301(b) of the International Security and Development Cooperation Act of 1981, which became law on December 29, 1981, calls on the Agency for International Development to assist developing countries to improve infant feeding practices. The largest international merchandiser of infant formula in the Third World has announced that it will bring its marketing practices into substantial compliance with most provisions of the international code in countries which do not have specific legislation of their own covering the subject. A number of countries have modified provisions of the code to conform with their own national customs and practices and have incorporated them into domestic law or regulation.

The committee of conference urges the executive branch to continue to reflect on these developments in forming its position for the 26th World Health Assembly. It also urges the U.S. formula manufacturers to continue to review their positions regarding the code, in view of the apparent willingness of other producers to bring their marketing activities into general compliance with the code, and in light of the adverse national and international publicity generated by the strong opposition of the industry toward the code.

The committee of conference agreed to adopt new language which reflects these changed conditions and strong concerns. Implementation of the infant formula provision in the 1981 International Security and Development Cooperation Act and the executive branch's and U.S. infant formula industry's future positions on the code will continue to receive careful congressional scrutiny.

Repeal of Obsolete Provisions

The Senate bill provided for the repeal of various one-time reporting requirements and obsolete provisions of foreign affairs law.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate provision, but deletes the repeal of section 203 of the fiscal year 1979 authorization act for the International Communication Agency since the provision is not obsolete.

Other Provisions

In the pending House (H.R. 5998) and Senate (S. 2581) bills to authorize a supplemental appropriation for fiscal year 1983 for the International Communication Agency, three legislative provisions were proposed which, in the interests of time and efficiency, the committee of conference has adopted.

USE OF ENGLISH-TEACHING PROGRAM FEES

H.R. 5998 and S. 2581 contain identical language to authorize USICA to use tuition and other payments received in connection with the Agency's overseas English-teaching programs, to the extent that this is approved in appropriation acts.

The conference substitute adopts this provision.

BASIC SALARY RATES FOR THE SENIOR FOREIGN SERVICE

S. 2581 clarified the authority of the heads of the foreign affairs agencies to establish procedures for the movement of senior Foreign Service officers from one pay level to another within class, by administrative action, without the need for reconfirmation.

H.R. 5998 contained no comparable provision.

The conference substitute is identical to the Senate provision.

INTEREST EARNED BY INTER-AMERICAN FOUNDATION GRANTEES

H.R. 5998 exempted Inter-American Foundation grantees from the obligation to return to the Treasury interest earned on advances of appropriated funds. The provision applies to interest earned both before and after date of enactment of the section.

S. 2581 contained no comparable provision.

The conference substitute is identical to the House provision.

Educational Travel for Dependents

The Senate bill entitled dependents of foreign-based employees of the Department of State and the International Communication Agency who are separated from their parents in order to obtain an undergraduate college education to two round trips per year at Government expense. This would increase from one to two the number of allotted trips per year and would create an entitlement.

The House bill contained no comparable provision, although section 2308 of the Foreign Service Act of 1980 provides for one annual round trip for this purpose for dependents of all eligible Government employees stationed overseas.

The conference substitute contains no provision on this issue.

The committee of conference wishes to note that allowances and benefits under the Foreign Service Act are intended to ameliorate the demands placed on members of the Foreign Service. Since members of the Service, unlike civil service employees, are required to spend most of their careers overseas, this provision permitting educational travel for dependents serves the humanitarian, as well as practical, purpose of keeping families together. Nonetheless, the authority is meaningless if funds are not provided for the purpose. Therefore, the committee of conference expects that not only this educational travel allowance, but all allowances and benefits under the Foreign Service Act will be funded fully and fairly.

Arms Control and Disarmament Agency Act, Fiscal Years 1982–83

The Senate bill authorized appropriations of $18,268,000 for fiscal year 1982 and such sums as may be necessary for fiscal year 1983 for the Arms Control and Disarmament Agency. It also permitted the Agency to accept the results of security investigations conducted by the Departments of State and Defense in the case of persons detailed from other Government agencies. In addition, section 404 authorized the Agency to conduct research, development, and other studies with regard to antisatellite activities.

The House amendment contained no comparable provision. However, the House passed H.R. 3467, the Arms Control and Disarm-

ament Act Amendments of 1981, on June 8, 1981. This bill authorizes $18,268,000, and such additional amounts as may be necessary for increases in employee benefits and to offset adverse fluctuations in foreign currency exchange rates, for fiscal year 1982, and $19,893,852 for fiscal year 1983. This bill also contains provisions for use of security clearances of the Departments of State and Defense when applied to persons detailed to the Agency. H.R. 3467 also changes the Agency's name to read "United States Arms Control Agency."

The conference substitute contains no provision on these issues. However, the Senate Foreign Relations Committee has reported the House bill, as amended, to the full Senate.

Peace Corps Autonomy

The Senate bill provided for the reestablishment of the Peace Corps as an independent agency, effective upon enactment of this bill, and provides for the transfer of functions, personnel, property, et cetera to the Peace Corps.

The House amendment did not contain a comparable provision.

The conference substitute contains no provision on this issue, since Public Law 97-113, enacted after passage of the Senate bill, contains a similar provision.

Informational Media Guaranty Fund

The Senate bill provides for the use of foreign currencies derived under the Informational Media Guaranty Program prior to 1967.

The House amendment contains no comparable provision.

The conference substitute contains no provision on this issue, since the general authority to use foreign currencies such as these exists in current law.

Ex Gratia Payment

The Senate bill provided that $81,000 of the amount appropriated for fiscal year 1982 under the administration of foreign affairs be paid ex gratia to the Government of Yugoslavia for injuries sustained by a Yugoslav national as a result of an attack on him in New York in June 1977 while he was assigned to the Yugoslav mission to the United Nations.

The House amendment contains an identical provision.

The conference substitute deletes the provision as unnecessary in view of a district court judgment in favor of the Yugoslav national in the amount of $240,000.

Fiscal Year 1981 Supplemental Authorization for the Board for International Broadcasting

The House amendment authorized a supplemental appropriation of $100,300,000 for fiscal year 1981 for the Board for International Broadcasting.

The Senate bill contained no comparable provision, but earmarked $6,195,000 of the gain realized during fiscal year 1981 through upward fluctuations in foreign currency exchange rates,

for losses incurred as a result of the February bomb explosion at RFE/RL, Inc., Munich headquarters.

The conference substitute contains no provisions on these issues, since fiscal year 1981 ended prior to the meeting of the committee of conference.

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